

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA (BECKLEY)**

In re:

**SHERIDAN DELANE DIMON, JR. and
DONNA GAIL DIMON,**

Case No. 5:14-bk-50009

Chapter 7

Debtors,

**SPRINGLEAF FINANCIAL SERVICES
OF AMERICA, INC.,**

Plaintiff,

v.

A.P. No. 14-_____

**SHERIDAN DELANE DIMON, JR. and
DONNA GAIL DIMON,**

Defendants.

COMPLAINT OBJECTING TO DISCHARGEABILITY OF DEBT

COMES NOW Springleaf Financial Services of America, Inc. ("Springleaf"), by and through its counsel, and avers as follows:

1. Defendants, Sheridan Delane Dimon, Jr. and Donna Gail Dimon, filed a Chapter 7 Petition in this Court on January 16, 2014, which case is pending under case number 5:14-bk-50009.

2. This adversary proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I).

3. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. § 157, 28 U.S.C. § 1334, 11 U.S.C. § 523, and Rule 7001 of the Federal Rules of Bankruptcy Procedure.

4. Defendants, Sheridan Delane Dimon, Jr. and Donna Gail Dimon, obtained a loan from Springleaf in the principal amount of \$6,096.93 on January 10, 2014 ("Loan"). A copy of the Loan Agreement and Disclosure Statement and other documents executed in conjunction with the Loan are attached as Exhibit A.

5. As of May 1, 2014, the balance due on the Loan was \$5,672.22.

6. The Loan provided the Defendants with money, and an extension, renewal or refinancing of existing credit.

7. The Defendants obtained the Loan by false pretenses or a false representation or actual fraud.

8. Plaintiff refrained from exercising available rights under prior account(s) in reasonable reliance on the false pretenses or a false representation or actual fraud perpetrated by the Defendants.

9. To secure the payment and performance under the Loan, the Defendants granted Springleaf a security interest in a 42" Samsung Television (the "Collateral"). *See*, Personal Property Appraisal Form attached to the Loan Agreement and Disclosure Statement.

10. The Defendants declared that the replacement value of the Collateral was \$1,500.00 on the Personal Property Appraisal Form executed in conjunction with the Loan.

11. The Collateral is not listed on Debtor's Schedule B. *See*, Doc. 14.

12. Upon information and belief, the Defendants sold, transferred, disposed of and/or converted the Collateral without Plaintiff's knowledge or consent.

13. The Loan constitutes a consumer debt owed to a single creditor for luxury goods or services, is in excess of \$650, and was incurred within 90 days before the order for relief.

14. Plaintiff submits that an Order denying the Defendants a discharge of the full amount of the Loan pursuant to 11 U.S.C. § 523(a)(2)(A) is appropriate.

WHEREFORE, Plaintiff, Springleaf Financial Services of America, Inc. prays that this Court determine that debt evidenced by the Loan be declared non-dischargeable pursuant to 11.U.S.C. § 523, that judgment be entered against the Defendant in the amount of the Loan plus interest and that Plaintiff be provided with such other and further relief as this Court may deem proper.

**SPRINGLEAF FINANCIAL SERVICES
OF AMERICA, INC.,
By Counsel**

/s/Michael R. Proctor
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Defendants.

CERTIFICATE OF SERVICE

I, Michael R. Proctor hereby certify that on the 5th day of May, 2014, I electronically filed the foregoing COMPLAINT OBJECTING TO DISCHARGEABILITY OF DEBT with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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/s/Michael R. Proctor
Michael R. Proctor